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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/662,757

09/15/2003

Michael S. Williams

9362-3

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20792 7590 03/25/2009  
MYERS BIGEL SIBLEY & SAJOVEC  
PO BOX 37428  
RALEIGH, NC 27627

EXAMINER

LIN, JAMES

ART UNIT

PAPER NUMBER

1792

MAIL DATE

DELIVERY MODE

03/25/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10662757	9/15/2003	WILLIAMS ET AL.	9362-3

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**EXAMINER**

Jimmy Lin

ART UNIT	PAPER
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1792	20090316
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DATE MAILED:

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**Commissioner for Patents**

The reply brief filed 1/27/2009 has been entered and considered. The application has been forwarded to the Board of Patent Appeals and Interferences (BPAI) for decision on the appeal.

Appellants argue on pg. 1-2 that throughout prosecution of the present application U.S. Publication No. 2003/0104030 had been used as a suitable translation for WO 02/43799 to Igaki et al., but now a human translation is being used as the translation for WO '799. Appellants further argue that the human translation includes three additional figures (Figs. 12-14) and corresponding text which Appellants have not seen before and that the use of the new human translation prejudices the Appellants' position. However, Figs. 12-14 are included in the original WO '799 document and are not new to the prosecution. Nevertheless, it is common practice to provide a human translation for any foreign patents/documents used for the rejections when submitting an appeal case to the BPAI, and Figs. 12-14 and the corresponding text were not used as evidence to support Examiner's position. Thus, the use of the newly submitted human translation does not prejudice Appellants' position.

/Jimmy Lin/  
Examiner, Art Unit 1792

/Gregory L Mills/  
Supervisory Patent Examiner, Art Unit 1700

/Timothy Meeks/  
Supervisory Patent Examiner, Art Unit 1792